Utah Rules of Juvenile Procedure Committee- Meeting Minutes

March 3, 2017		Noon to 2:00 p.m.		Conference Room A			
MEETING DATE		TIME		LOCATION			
MEMBERS:	Present A	bsent Excused	MEMBERS:	Present	Absent Excused		
Carol Verdoia			Maybell Romero				
Judge Elizabeth Lindsley			Alan Sevison				
Judge Mary Manley			Pam Vickrey				
Kristin Fadel			Mikelle Ostler				
David Fureigh			Chris Yannelli				
Brent Hall							
Debra Jensen							
Trish Cassell (by phone)							
AOC STAFF:	Present E	xcused	GUESTS:	Present	Absent		
Katie Gregory							
Adrienne Nash							
James Ishida							
I. Welcome & Approval of Minutes			CHAIR: CAROL VERDOIA				
Carol Verdoia welcome	ed members	and called for	approval of the mir	nutes of Februa	ary 3, 2017.		
The committee discussed the schedule for the meeting of April 7, 2017. Members agreed to move the meeting to 12:30 to 2:30 p.m. to accommodate the judges' required Legislative Update occurring the same day.							
Motion: Motion to approve the minutes of February 3, 2017 as written	By: Debra Jensen Second: Maybell Romero						
Approval	⊠ Unani	mous	☐ Vote:				
11			In Favor	_ Opposed			
	<u> </u>						
AGENDA TOPIC	! £ D . !	10 15 1	JUDGE LINDSLEY				
II. Continued Discuss 19A	ion of Rule	19 and Rule	JODGE LINDSLEY				
Judge Lindsley discuss responses from her su provisions requiring Remajority of those who mentioned that without for reporting of cases suggested that the lar in the Request to Subi	rvey of juve equests to S use it said it the Reque under advis iguage in Ru	enile judges re submit for Dec the Request is est, it may be o ement as requ ule 19A include	garding whether the ision. Responses we not needed for stipe difficult to determine ired by CJA Rule 3-1 to the URCP 7(g) list of the URCP 7(g) list of the URCP 7(g)	rule should co ere mixed, alth ulated motions when the tim 105(3)(k). Mik of what the file	entained a ough the Judges also e period starts elle Ostler er must include		

The rule pertaining to Requests to Submit will also apply in delinquency proceedings. A lengthy discussion followed regarding whether different procedures are required for oral versus written

motions and the balance between maximizing flexibility and establishing consistent practice statewide. The committee will also need to consider any conflicts the new Rule 19A provisions may have with existing Rule 34(f) provisions regarding the filing of a written motion for entry of default. Following the discussion, the committee decided to add a separate paragraph between the existing Rule 19A(g) and (h) allowing the court to decide a motion at a hearing without the filing of a Request to Submit.

The committee addressed an additional issue in Rule 19A(I)(3)(A) pertaining to orders prepared in open court. The draft language currently begins "Immediately following a hearing..." The committee determined that "At a hearing..." would be more appropriate. The change was made by consensus without a motion.

The committee also addressed Rule 19 regarding responsive pleadings. Rule 19(c) allows a party to file a written pleading or motion concerning the allegations of the petition before or at "a hearing." While Rule 19 is not limited to pretrial hearings, paragraphs 19(a) and 19(b) address the pretrial hearing. The committee discussed whether 19(c) should also be limited to pretrial hearings. The committee discussed but did not resolve the issue and set it over to be discussed at a future meeting. The committee will add this to its next agenda along with a review of how Rule 19 impacts Rule 34 (c) and (f).

Carol Verdoia thanked Judge Lindsley for her substantial work on drafting the rules for committee review. Before the next meeting Judge Lindsley and Katie Gregory will work on preparing a final copy for review and approval by the committee.

Action Item:	Kati	e Gregory will pre	epare a new working dr	aft of Rule 19.
Motion: to add a paragraph after Rule 19A(g), but before existing paragraph (h) which states "The court may decide any motion at a hearing without a Request to Submit for Decision."	By:	Brent Hall	Second: A	lan Sevison
Approval		Unanimous	☑ Vote:	Onnered
			In Favor	Opposed